

Congress of the United States

House of Representatives

November 21, 1997

Dr. Chris Servheen
U.S. Fish & Wildlife Service
Project Leader
Bitterroot Grizzly Bear EIS
P.O. Box 5127
Missoula, Montana 59806

RECEIVED BY U.S. FISH
AND WILDLIFE SERVICE
GRIZZLY BEAR
COORDINATORS OFFICE
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RICK HILL
FOR ALL MONTANA



Dear Dr. Servheen,

Thank you for the opportunity to comment on the Draft Environmental Impact Statement (EIS) addressing the reintroduction of grizzly bears into the Bitterroot-Selway Wilderness.

1 First, I'd like to recognize the well-intentioned effort that has gone into the development of Alternative One under the Draft EIS. Establishing a Citizen Management Committee to bring local involvement to the process by which decisions affecting endangered species are made is an innovative idea. Despite the best of intentions, however, failure to bring the affected communities into the discussions early in the development of this proposal has resulted in a situation where local residents do not believe they have had any real voice in making decisions that will substantively affect their lives. When people don't believe in the process, it won't work. Local empowerment can't be forced on a community, it has to come from within the community.

2 The situation in the Bitterroot is unique in that the area where bears would be re-located is in relatively close proximity to significantly populated areas. In fact, the population density in the portion of Western Montana that is part of the Grizzly Bear Primary Analysis Area (PAA) is nearly four times that of the PAA in Idaho. Because of that, fear of the grizzly bear is a valid concern. People who live there believe their safety and that of their family members is at risk and their way of life threatened. It would be a mistake to introduce bears into an area when there remains such a high level of fear. It's not fair to the people affected, nor to the bears.

Nevertheless, I would like to offer the following comments specific to the various alternatives under the EIS:

A. General Observations:

3 1. The United States Fish and Wildlife Service (USFWS) has not identified the long-term funding source for the plan under any of the alternatives. It has not offered written assurances to Montana and Idaho that the states will not be forced to bear additional costs. An unfunded federal mandate to Montana and Idaho is not acceptable.

4 2. The reintroduction plan would have a direct impact on other recovery efforts in Montana and would delay the delisting process for grizzly bears. Substantial opposition to endangered species recovery programs for bears and other species is compounded by the fact that

the USFWS keeps moving the goal posts.

- 5 3. USFWS has not conducted a complete analysis of the economic and social impacts of the various alternatives. That is a serious omission and makes it difficult to accurately determine the consequences of the agency's actions. That inadequacy will subject the entire process, regardless of alternatives, to challenges.

B. Alternative One :

- 6 1. This alternative proposes a potentially unique approach to the management of a listed species. However, because the Secretary of Interior is unable to grant sufficient authority to the Citizens' Management Committee under current law, USFWS cannot guarantee the objectives of citizen management will be realized with regard to reintroduction and management of grizzly bears.

- 7 2. Because 38% of the PAA in Western Montana involves private property, reintroduction of grizzly bears will increase livestock predation and other incursions on private property. There is no assurance to landowners that USFWS will be able to respond to such incidents in a timely manner. There is also insufficient information regarding the authority and role of the proposed Citizens' Management Committee as it relates to establishing protocols that allow landowners to respond.

- 8 3. Reintroduction would also create a public safety hazard for recreationalists and residents. While the special rule would allow a person to take a grizzly bear in self defense or in the defense of others if it is reported within 24 hours, the rule does not specify a clear standard that can be employed to determine conditions upon which citizens can rely to protect themselves and family members from grizzly bears even on their own property. The agency has not resolved concerns that the burden of proof will fall on individuals to demonstrate they did not act inappropriately should an encounter lead to the killing of a bear. The agency has not identified any added protections that will accrue from the experimental, nonessential designation, nor has it clarified the role and authority of the CMA in making those determinations.

- 9 4. The USFWS has not provided sufficient assurances governing the circumstances under which the Secretary of Interior can withdraw management responsibility from the Citizen Management Committee. The threat of arbitrary challenges would diminish the ability of the CMA to do its work.

5. The proposed recovery area boundaries are far too close to residential and agricultural areas.

C. Alternative Two:

- 10 1. Allowing for natural recovery best responds to public concerns regarding the potential for an accelerated increase in the grizzly bear population to result in a higher incidence of human/grizzly encounters on both public and private lands than would normally occur. Local

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residents are frightened about the safety of their families and their property and believe an active reintroduction program would force them to make significant changes in their way of life. A more gradual, natural recovery process would be less disruptive to local communities while still allowing the possibility for bears to re-populate the area.

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2. USFWS has been criticized for conducting an inadequate habitat study of the proposed recovery area. Alternative Two would alleviate concerns that current habitat conditions will not accommodate a viable grizzly population. If the habitat in the recovery area does not provide a sufficient food source, bears that are reintroduced would likely move closer to the valley floor, creating conditions for increased conflict and the potential for those bears ultimately to be destroyed.

3. The initiation of a public safety and education program under this alternative would promote better understanding and acceptance of the grizzly bear as it recovers naturally. People respect the place of the grizzly bear in the ecosystem, but do not want more regulations or restrictions limiting the use and enjoyment of public lands that would result from a reintroduction effort. Humans and bears can share the same habitat, but it's more conducive to a positive, long term relationship if the issues are approached sensitively.

4. Alternative Two offers the opportunity to incorporate the concept of citizen management in the natural recovery effort. If USFWS is committed to working more closely with local communities in species management, the principles embodied in Alternative One should not be limited to reintroduction efforts only. As appropriate under the law, a citizen management committee would provide valuable input into Section 7 consultations initiated with regard to activities in the Bitterroot ecosystem or migratory corridors and enhance local support for the grizzly bear. This could be achieved in cooperation with the Governors of the affected states and other local governments.

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5. Alternative Two reflects the situation as we know it today with regard to species recovery under the Endangered Species Act. Taken on its own, local communities do not gain or lose anything under this alternative. Neither does the grizzly bear. Given the current level of local opposition to an accelerated reintroduction program as proposed under either Alternative One or Alternative Four, and the number of questions that remain with regard to Alternative One in particular; the No Action alternative is least disruptive to local communities.

D. Alternative Three: Preventing recovery of the grizzly bear in the Bitterroot ecosystem does not warrant serious consideration.

E. Alternative Four:

1. Forcing a combination of imminent reintroduction, together with tougher land use restrictions and more stringent regulations in potential migration corridors, will further polarize communities and have a negative impact on local economies.

2. In an area touted for its recreational potential, this alternative will lead to road closures and access restrictions that will reduce those opportunities.

13 3. This alternative fails to provide for education about public safety. It offers little or no protection for local landowners or others whose way of life and property may be affected.. USFWS needs to better specify how it will respond to loss of livestock or other human/bear conflicts under this scenario.

14 4. The agency does not provide for public input into Section 7 consultation procedures, although decisions made will impact their way of life, property and employment opportunities.

5. All of us value protection of wildlife and wild places. Those objectives can't be realized by putting people and animals at loggerheads. Unfortunately, that is the situation Alternative Four creates and as a result, should not be adopted.

Closing Comments:

Based on my review of the various alternatives as presented in this Draft EIS, I recommend the U.S. Fish and Wildlife Service select Alternative Two, the No Action Alternative, and that no bears be reintroduced into the Bitterroot ecosystem for the reasons outlined earlier. I further believe the goals of citizen management can be realized under Alternative Two in a manner that better involves the local communities and furthers a more positive human/grizzly bear relationship.

Thank you again for the opportunity to comment.

Sincerely,



Rick Hill

Representative for all Montana